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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FILED
AUG 23 2005
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES OF AMERICA, } No. 05-70638 PVT
Plaintiff, }
v. }
MARIA DE JESUS FERNANDEZ, }
Defendant. }
STIPULATION AND [PROPOSED] ORDER EXCLUDING TIME
SAN JOSE VENUE

21 On August 18, 2005, the parties in this case appeared before the Court for an arraignment. At
22 that appearance, Assistant United States Attorney Susan Knight explained to the Court that the
23 government has offered the defendant a “fast-track” resolution of her illegal reentry case, and that
24 the parties are waiting for the petition relating to the defendant’s supervised release violation to
25 be transferred from the Eastern District of California to the Northern District of California. Once
26 the supervised petition is transferred, the parties will file a Notice of Related Cases and proceed
27 in District Court. Therefore, the parties requested that the arraignment on both cases be
28 continued to September 8, 2005 at 9:30 a.m. before the Honorable Judge Seeborg. In addition,

1 the defendant, through her counsel, agreed to an exclusion of time under Rule 5 of the Federal
2 Rules of Criminal Procedure and the Speedy Trial Act from August 18, 2005 to September 8,
3 2005. The parties agree and stipulate that an exclusion of time is appropriate based on the
4 defendant's need for effective preparation of counsel.

5 SO STIPULATED:

KEVIN V. RYAN
United States Attorney

7 DATED: _____

/s/
SUSAN KNIGHT
Assistant United States Attorney

9 DATED: _____

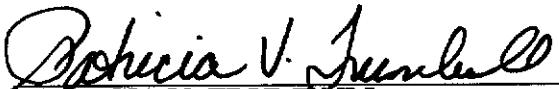
/s/
ANGELA HANSEN
Assistant Federal Public Defender

12 Accordingly, the Court HEREBY ORDERS that the preliminary hearing or arraignment is
13 continued to September 8, 2005 at 9:30 a.m. before the Honorable Judge Seeborg. Good cause
14 is shown and the continuance is proper under Rule 5 of the Federal Rules of Criminal Procedure
15 and 18 U.S.C. § 3060.

16 For good cause shown, the Court FURTHER ORDERS that time be excluded under the
17 Speedy Trial Act from August 18, 2005 to September 8, 2005. The Court finds, based on the
18 aforementioned reasons, that the ends of justice served by granting the requested continuance
19 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant
20 the requested continuance would deny defense counsel reasonable time necessary for effective
21 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
22 of justice. The Court therefore concludes that this exclusion of time should be made under 18
23 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

24 SO ORDERED.

25
26 DATED: 8/23/05 PVT


PATRICIA V. TRUMBULL
United States Magistrate Judge

28

1 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
2 "conformed" signature (/S/) within this efiled document.
3
4

DATED: _____

/s/ _____

5 SUSAN KNIGHT
6 Assistant United States Attorney
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